

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:04CR00098-P-B

BOBBY LEE FOWLER,

DEFENDANT.

THIRD ORDER OF CONTINUANCE

This matter comes before the court upon Defendant's June 7, 2005 motion for continuance. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 27, 2005 in Greenville, Mississippi. Defense counsel avers that the defendant just recently returned to Oxford, Mississippi after having been evaluated pursuant an Agreed Order for Psychiatric Examination sought by both the Government and the defendant. Counsel are in agreement that additional time is need to review the report and discuss options available to resolve this matter.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 3, 2004 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's June 7, 2005 motion for continuance is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, August 22, 2005, at 9:00 a.m. in the

United States Courthouse in Greenville, Mississippi;

- (3) The delay from June 27, 2005 to August 22, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is August 1, 2005; and
- (5) The deadline for submitting a plea agreement is August 8, 2005.

SO ORDERED, this the 8th day of June, A.D., 2005.

/s/ W. Allen Pepper, Jr. _____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE